

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ROME DIVISION

CHAD TEMPLE,	*	
	*	
Plaintiff,	*	CIVIL ACTION FILE
	*	
vs.	*	NO. 4:25-CV-00076-WMR
	*	
DAVID K. NELSON, et al.,	*	
	*	
Defendants.	*	

**PLAINTIFF'S MOTION FOR CLARIFICATION**

Plaintiff Chad Temple respectfully moves the Court for clarification of its December 15, 2025 Order [Doc. 38], limited solely to whether the dismissal of Defendant City of Calhoun, Georgia was intended to be with prejudice.

At the October 1, 2025 hearing on the motion to dismiss, the Court stated that it intended to dismiss both the City and Chief Pyle without prejudice, expressly noting that Plaintiff could seek to amend and add them back to the case should discovery later reveal evidentiary support for such claims. To be more precise, the Court stated: "I think I'm going to enter an order dismissing the City and dismissing the Chief out without prejudice to allow – once discovery has been sufficiently engaged by the parties – allowing the plaintiff to file an amendment to bring them back in." [Ex. A at 3.]

In the written Order, the Court dismissed all claims

against Chief Pyle without prejudice, but dismissed the claims against the City without specifying that the dismissal was without prejudice.

No one questions that the Court has discretion to refine or alter its rulings when issuing a written order. This motion is offered solely to ensure that the written Order accurately reflects the Court's stated intent at the hearing and to avoid any unintended preclusive effect.

For these reasons, Plaintiff respectfully requests clarification that the dismissal of the City of Calhoun, Georgia was without prejudice (at least as to Counts 2 and 3).

This 9th day of January, 2026.

Respectfully submitted,

BY: /s/ Cary S. Wiggins  
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**CERTIFICATE OF SERVICE**

I certify that on this date, I electronically filed this document with the Clerk of the Court using the CM/ECF system which will automatically send email notification of such filing to the following attorneys of record:

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This 9th day of January, 2026.

BY: /s/ Cary Wiggins  
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